

By: David A. Santilli, Esquire

Identification No. 59097

Baginski, Mezzanotte, Hasson and Rubinate

Suite 500 - Public Ledger Building

150 South Independence Mall West

Philadelphia, PA 19106-3476

215-627-3087

ATTORNEY FOR DEFENDANT:

Mr. William Pinamont and Bernadette
Pinamont

KAREN and FLOYD JORDAN, h/w
Plaintiffs

vs.

WILLIAM and BERNADETTE PINAMONT,
h/w
Defendants

: CIVIL ACTION – LAW

: TRIAL DIVISION

: NO. 06-CV-3091

:

ORDER

AND NOW: this day of , 2007, it is hereby

ORDERED and DECREED that plaintiffs' Motion to Quash Portions of Defendants'
Cross-Notices of Duces Tecum for Drs. James, Downing, Swartz and Shafi, is DENIED.

BY THE COURT:

J.

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CIVIL ACTION – LAW

TRIAL DIVISION

NO. 06-CV-3091

**REPLY OF DEFENDANTS, WILLIAM AND BERNADETTE PINAMONT, TO
PLAINTIFFS' MOTION TO QUASH PORTIONS OF DEFENDANTS' CROSS-
NOTICES OF DUCES TECUM FOR DRs. JAMES, DOWNING, SWARTZ AND SHAFI**

Plaintiff essentially requests this Honorable Court to quash portions of defendants' cross-
notices of depositions because Drs. James, Downing, Swartz and Shafi are treating physicians and
not experts under Rule 26 of the Federal Rules of Civil Procedure. The defense agrees that these
doctors are treating physicians. The defense argues, however, that while Rule 26 does not obligate
plaintiff to provide self-disclosures, there is nothing in the Rule that precludes the defense from
serving cross-notices of depositions requesting the information outlined in plaintiffs' Motion.

Much the same that plaintiff believes that Drs. Brooks and Askin are biased, the defense believes
this to be the case with Drs. Swartz, Downing and Shafi. The information requested is therefore
appropriate. With respect to Dr. James, plaintiff has actually identified her as an expert witness
pursuant to Rule 26 and has previously provided an expert report from her and her fee schedule.

Plaintiff cannot be heard now to assert that she need not respond to the cross-notice of deposition

because she is a treating physician. If Drs. Brooks and Askin are required to respond to plaintiffs' cross-notice, then so should at the very least, Dr. James.

WHEREFORE, the defendants respectfully request this Honorable Court to enter an Order in the form attached hereto.

Baginski, Mezzanotte, Hasson and Rubinate

By:

David A. Santilli, Esquire
Attorney for Defendants

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CERTIFICATION OF SERVICE

I, **David A. Santilli**, do hereby certify that service of a true and correct copy of Reply of Defendants, William and Bernadette Pinamont, to Plaintiffs' Motion to Quash Portions of Defendants' Cross-Notices of Duces Tecum for Drs. James, Downing, Swartz and Shafi was made on the **23rd day of April, 2007**, to all counsel of record named by United States Mail, postage prepaid.

David L. Lockard, Esquire
16 W. Highland Avenue
Philadelphia, PA 19118

Baginski, Mezzanotte, Hasson and Rubinate

By: _____

David A. Santilli, Esquire